

Attorney Docket No.: C4313(C)
Serial No.: 10/559,964
Filed: December 8, 2005
Confirmation No.: 6547

REMARKS

Reconsideration of the application is respectfully requested.

Applicants confirm the election without traverse of claims 1-16.

Claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/072747 in view of Severns et al. (US 6,184,188) or Velazquez et al. (US 6,458,754). Claims 1-7, 9-14, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/52124 in view of Severns et al. (US 6,184,188) or Velazquez et al. (US 6,458,754). Claims 1-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/39406.

Applicants respectfully traverse the rejections. Neither WO 02/072747 (Unilever), WO 00/52124 (Procter and Gamble) nor WO 98/39406 (Procter and Gamble) teach or suggest that ketonic perfumes are detrimental to the activity of a composition comprising a transition metal catalyst that is substantially absent of a peroxygen bleach.

The present invention is based at least in part on the discovery that there is a significant reduction in transition metal catalyst activity when formulated with ketonic perfumes without an antioxidant. This is demonstrated in the examples of the specification. The reduction in activity is demonstrated to be caused by ketonic perfumes. Furthermore, the reduction in activity is shown to be ameliorated by the presence of an antioxidant. The present invention permits the use perfume notes that would otherwise not be available for such a formulation.

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The beta-ketoesters disclosed in US 6,184,188 (Severns) are not perfume components per se but are pro fragrances. Examples of ketones that are releasable by the pro-accords of the fragrance delivery systems are listed in column 12, lines 13 to 65, and include the ketone Damascenone. Column 6, line 53, to column 7, line 14, discusses how the profragrances are not perfumes: "These "pro-fragrance" compounds are rapidly deposited onto the fabric surface due to the high fabric substantivity of the compounds and once deposited, begin to release the fragrance raw material alcohols during the wash and drying cycles."

US 6,458,754 (Velazquez) discloses an encapsulated perfume and hence the perfume is segregated from other components in any mixture to which the encapsulated perfume is added. If a perfume is encapsulated then there is most likely no interaction with other components in a formulation to which it is added. The Examiner states that there is a ketonic perfume disclosed in US 6,458,754 and that this would be then incorporated in WO 02/072747 (Unilever), WO 00/52124 (Procter and Gamble) or WO 98/39406 (Procter and Gamble). Applicants respectfully disagree. Perfume compositions are complex mixtures and the disclosure of a ketonic perfume does not disclose between 0.001 to 3 wt/wt% a perfume composition in the formulation of which at least 0.01 wt % is a ketonic perfume.

The concept of using a perfume composition having at least 0.001 wt % of a ketonic perfume is not a standard perfume composition. A perfume composition is complex and there are a multitude of notes that may be selected to make the perfume composition. These notes come from many different chemical functionalities. Applicants enclose for the Examiner's interest a copy of an article by Robert J. Steltenkamp from Journal of the American Oil Chemists' Society Volume 45, Number 6 / June, 1968 page 429 to 432. This article also discusses the complexity of perfume compositions.

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The Abstract of the article teaches that:

Detergents constitute a low-price, bulk item, which consumes a large quantity of aromatic materials. Detergent perfumes must not only meet the normal requirements of odor and stability but also strict demands in low price and high availability.

The perfumes used in detergents are normally a complex mixture consisting of synthetic materials produced from either petroleum or coal tar products, isolates of natural products or synthetics derived from isolates and natural products such as the essential oils.

The synthetics and isolates which are commonly used in detergent perfumery are discussed with their methods of production. The essential oils that can meet the demands of price and availability are listed.

The complexity of perfumes is further confirmed by a simple reference to US 6,458,754; see Table 1 and Table 2. Example 1, column 5, line 55, to column 6, line 10, of US 6,458,754 discloses a perfume oil composition suitable for encapsulation but this does not disclose that a single encapsulated perfume composition is to be used is to be used in a detergent formulation.

One of ordinary skill in the art, who has not had the benefit of hindsight afforded by the present disclosure, would not have been led by the combined teachings of WO '747, WO '124 or WO '406 combined with either U.S. '754 or U.S. '188 to arrive at the present application. The combination of any one of the primary references used by the Examiner with U.S. '188 would not have yielded the inventive composition because U.S. '188 simply does not appear to disclose incorporating a perfume composition—merely profragrance. The combination of any one of the

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primary references by with U.S. '754 would not have occurred to one of ordinary skill in the art because U.S. '754 teaches encapsulating perfumes. It is not seen how one of ordinary skill in the art would have been led to incorporate perfumes of U.S. '754 especially specific perfume that contains at least a certain amount of ketonic perfume as recited by the present claims into detergent compositions while leaving out the encapsulation out as taught by U.S. '754.

In light of the above remarks, it is respectfully requested that the obviousness rejection be reconsidered and withdrawn.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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